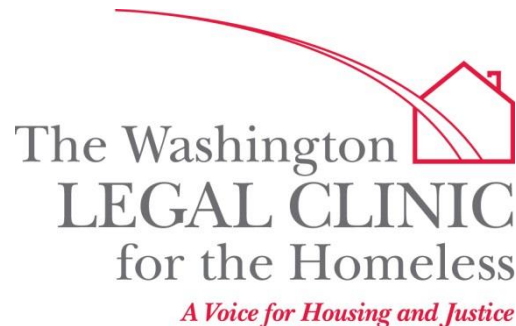


True Reformer Building
 1200 U Street, NW
 Washington, DC 20009
 (202) 328-5500
 www.legalclinic.org
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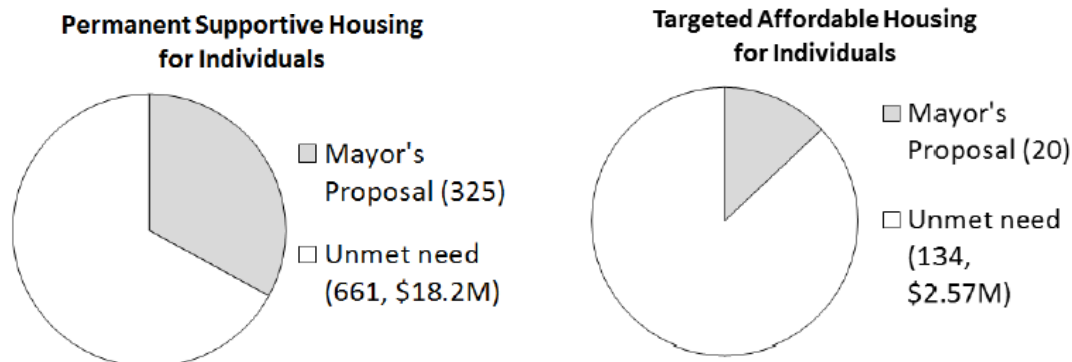
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**Testimony before the DC Council Committee on Human Services
 Budget Hearing on the DC Department of Human Services (DHS)
 Presented by Amber Harding
 April 10, 2019**

Good morning Councilmember Nadeau and members of the Committee on Human Services. My name is Amber Harding and I am an attorney at the Washington Legal Clinic for the Homeless. The Legal Clinic envisions – and since 1987 has worked towards – a just and inclusive community for all residents of the District of Columbia, where housing is a human right and where every individual and family has equal access to the resources they need to thrive.

I am on the steering committee of both the Fair Budget Coalition and the Way Home Campaign and the Legal Clinic fully supports their budget platforms. Today I'm going to focus on a few different parts of the DHS budget: efforts to end chronic homelessness, ERAP and family shelter and motels.

First, I want to thank DHS for fully funding our coalitions' ask to end homelessness for 180 families who need Permanent Supportive Housing (PSH). Unfortunately, the Council has significant holes to fill in funding both for families who need Targeted Affordable Housing (TAH) (which my colleague will testify about) and for individuals who need PSH or TAH. As you can see from the charts below, the Mayor funded only 33% of the ask for PSH for individuals and 13% of the ask for TAH for individuals.



As for ERAP, the Council just spent nearly a year discussing the trauma and harm of eviction, and its disproportionate impact on low-income DC residents, particularly black low-income residents. Many of us viewed and discussed the Matthew Desmond exhibit on Evicted at the National Building Museum, which concluded that DC is “tenant friendly” but not “low-income tenant friendly” and illustrated the compounding traumas of losing belongings on top of losing a home.

We were disappointed, yet not surprised, to see that the Mayor cut ERAP for the third year in a row. ERAP runs out of funds every year, and as a result many families, seniors and individuals with disabilities lose their homes when a relatively small grant could have prevented that trauma. The Fair Budget Coalition had recommended an increase of \$12 million to ERAP—now our ask is to restore the cut as well.

DHS will tell you that they just didn’t renew a one-time fund, and that they increased the Homelessness Prevention program (HPP) by about the same amount. ERAP and Homelessness Prevention should not be pitted against each other. They serve different purposes and even somewhat different populations. ERAP prevents evictions and keeps families, seniors and individuals with disabilities in their homes. HPP only serves families, and its purpose is primarily to prevent families from entering shelter after they have already lost their homes. When HPP does work to prevent eviction, that work is often done through a referral to ERAP.

In addition to expanding the budget, we also support expanding the eligible uses of ERAP to allow low-income residents facing eviction to pay the costs of moving and/or storing their belongings when eviction is imminent. The ancestor of ERAP, the Emergency Assistance Program (EA), had a location at landlord-tenant court where litigants could conveniently apply for funds to prevent eviction or meet other emergency needs. EA was available to meet a broader range of needs than ERAP, including for storage for residents facing eviction. While we’ve talked about crafting a new publicly funded and operated program to pay for moving and storage, we believe that folding that function into ERAP is a more efficient and client-centered way to shore up this part of DC’s safety net. More efficient because it does not require any new bureaucracy or government staffing, more client-centered because it allows clients to choose which service would best meet their needs. We are happy to work with the Committee to further develop the parameters of this pilot.

Finally, we ask the Committee to remove Subtitle (V)(E) “Redetermining Homeless Services Eligibility Clarification Amendment Act of 2019” from the Budget Support Act (BSA). The Subtitle proposes shortening the amount of notice of termination or “program exit” to 48 hours when the agency “redetermines” the eligibility of a shelter resident. The language should be stripped from the BSA for the following reasons, among others:

- 1) The Council has long frowned on slipping major policy changes into the BSA, particularly those that do not have a fiscal impact. Short-circuiting the regular legislative and community input process should be done sparingly and only with very good cause. There is no certified fiscal impact to the proposed changes, and so it is inappropriate to include it in the BSA.

- 2) The Council has also consistently frowned upon relitigating legislation that has already been hashed out. The amount and type of due process was discussed ad nauseum in the more than six months that the Homeless Services Reform Amendment Act was before this Council. DHS might not like where the Council ended up, but the Council was very clear in its intent to provide full due process and notice to shelter residents undergoing redetermination of eligibility.
- 3) It is premature to propose changes to the legislative language when DHS hasn't actually tried to implement or propose regulations to interpret this section of the law.
- 4) The language describing the Subtitle as well as the agency's talking points supporting their proposal evince a discriminatory intent: to only apply this new method of ending shelter services only to families.
- 5) As we said when we opposed allowing a similar proposal from DHS the first time: "We fundamentally reject any implication that there are significant numbers of shelter residents who have available, safe, and stable housing but are choosing to remain in emergency shelter." We ask you to use a racial equity lens to examine whether the justification provided by DHS for this agency relies on racist and classist tropes, or relies on actual data, and to examine who would be negatively impacted by this change in practice.
- 6) Contrary to the agency's assertions, Redetermining Eligibility is not like Eligibility or Interim Eligibility—the agency actually insisted on this section going into the "Program Exit" section, which is most similar to termination. It can occur at any time, not just when someone is first placed in shelter. It depends on a change in circumstances or new information or behavior, much like termination does.
- 7) No other public benefit that I am aware of has a shorter notice period for termination based on a claim that the recipient is no longer eligible than it does for other termination grounds.
- 8) Wanting to terminate people more quickly and reducing the likelihood of shelter residents exercising their rights to appeal are not legitimate policy interests.

The way out of the motels is not via termination, or a scarcity¹ way of thinking that reserves help for only the most deserving of the poor. The way out of motels, family homelessness, chronic homelessness, and *all* homelessness is deeply affordable housing.

¹ Interestingly, there are studies showing that a perception of economic scarcity "produce[s] racial bias in the distribution of economic resources." See e.g. <https://www.ncbi.nlm.nih.gov/pubmed/28910122>